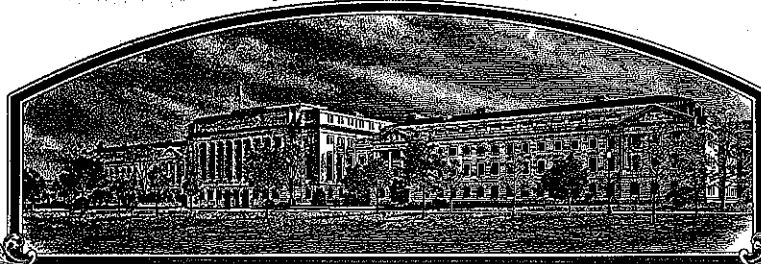


No.

200600161



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

NASH Research Foundation

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE FOREGOING PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. IN THE UNITED STATES SEED OF THIS VARIETY SHALL BE SOLD BY VARIETY NAME ONLY AS A CLASS OF CERTIFIED SEED AND (2) SHALL CONFORM TO THE NUMBER OF GENERATIONS SPECIFIED BY THE OWNER OF THE RIGHTS. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

FLAX

'Carter'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this sixteenth day of May, in the year two thousand and eight.

Attest:

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

Secretary of Agriculture



U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

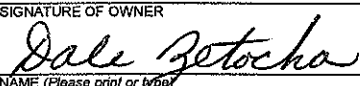
Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER NDSU Research Foundation		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME N0010	3. VARIETY NAME 'Carter'
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) C/O Executive Director PO Box 5002 1735 NDSU Research Park Drive Fargo, ND 58105-5002		5. TELEPHONE (include area code) (701) 231-8931	FOR OFFICIAL USE ONLY PVPO NUMBER 200600161 FILING DATE 3/14/2006
		6. FAX (include area code) (701) 231-6661	
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) NDSU Research Foundation	8. IF INCORPORATED, GIVE STATE OF INCORPORATION ND	9. DATE OF INCORPORATION May-1989	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers)			FILING AND EXAMINATION FEES: \$ 4,382.00 DATE 3/14/2006 CERTIFICATION FEE: \$ 768.00 DATE 4/4/2008
James Hammond Department of Plant Sciences North Dakota State University P.O. Box 5051 Fargo, ND 58105-5051 Dale Zetocha Executive Director NDSU Research Foundation PO Box 5002 1735 NDSU Research Park Drive Fargo, ND 58105-5002			
11. TELEPHONE (Include area code) (701) 231-8144	12. FAX (Include area code) (701) 231-8474	13. E-MAIL james.hammond@ndsu.edu; dzetocha@ndsurl.org	
14. CROP KIND (Common Name) Flax	16. FAMILY NAME (Botanical) Linaceae	18. DOES THE VARIETY CONTAIN ANY TRANSGENES? (OPTIONAL) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERCIALIZATION.	
15. GENUS AND SPECIES NAME OF CROP Linum usitatissimum L.	17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act) <input checked="" type="checkbox"/> YES (If "yes", answer items 21 and 22 below) <input type="checkbox"/> NO (If "no", go to item 23)	
19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse)		21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, WHICH CLASSES? <input checked="" type="checkbox"/> FOUNDATION <input checked="" type="checkbox"/> REGISTERED <input checked="" type="checkbox"/> CERTIFIED	
a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) g. <input checked="" type="checkbox"/> Filing and Examination Fee (\$4,382.), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)		22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS. <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)	
23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)		24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)	

25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate.

The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.

Owner(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.

SIGNATURE OF OWNER 		SIGNATURE OF OWNER	
NAME (Please print or type) Dale Zetocha		NAME (Please print or type)	
CAPACITY OR TITLE Executive Director	DATE 3/13/06	CAPACITY OR TITLE	DATE

(See reverse for instructions and information collection burden statement)

INSTRUCTIONS

GENERAL: To be effectively filed with the Plant Variety Protection Office (PVPO), **ALL** of the following items must be received in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E; (3) for a seed reproduced variety at least 2,500 viable untreated seeds, for a hybrid variety at least 2,500 untreated seeds of each line necessary to reproduce the variety, or for tuber reproduced varieties verification that a viable (in the sense that it will reproduce an entire plant) tissue culture will be deposited and maintained in an approved public repository; (4) check drawn on a U.S. bank for \$3,652 (\$432 filing fee and \$3,220 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice.) Partial applications will be held in the PVPO for not more than 90 days, then returned to the applicant as unfilled. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 401, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. Retain one copy for your files. All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. **DO NOT** use masking materials to make corrections. If a certificate is allowed, you will be requested to send a check payable to "Treasurer of the United States" in the amount of \$432 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

Plant Variety Protection Office

Telephone: (301) 504-5518

FAX: (301) 504-5291

Homepage: <http://www.ams.usda.gov/science/pvpo/pvindex.htm>

To avoid conflict with other variety names in use, the applicant must check the appropriate recognized authority and provide evidence that name has been cleared by the appropriate recognized authority before the Certificate of Protection is issued. For example, for agricultural and vegetable crops, contact: Seed Branch, AMS, USDA, 10301 Baltimore Avenue, Suite 401 NAL Building, Beltsville, MD 20705. Telephone: (301) 504-5682 <http://www.ams.usda.gov/lsg/seed.htm>.

ITEM

- 19a. Give:
- (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method;
 - (2) the details of subsequent stages of selection and multiplication;
 - (3) evidence of uniformity and stability; and
 - (4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified
- 19b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:
- (1) identify these varieties and state all differences objectively;
 - (2) attach statistical data for characters expressed numerically and demonstrate that these are clear differences; and
 - (3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.
- 19c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 19d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 19e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
20. If "Yes" is specified (*seed of this variety be sold by variety name only, as a class of certified seed*), the applicant **MAY NOT** reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (See Regulations and Rules of Practice, Section 97.103).
23. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
24. See Section 55 of the Act for instructions on claiming the benefit of an earlier filing date.

22. CONTINUED FROM FRONT (Please provide a statement as to the limitation and sequence of generations that may be certified.)

23. CONTINUED FROM FRONT (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

'Carter' was first evaluated under a material transfer agreement (MTA) in Italy dated June 20, 2004 and under a MTA in England, dated March 29, 2005. Material transfer agreements are for evaluation and testing purposes only. No seed sales were authorized.

24. CONTINUED FROM FRONT (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)

NOTES: It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. The fees for filing a change of address; owner's representative; ownership or assignment; or any modification of owner's name is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call 202-720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

Exhibit A
Origin and Breeding History

'Carter' was tested as N0010 a blue-flowered, yellow-seeded F5-derived selection advanced by pedigree selection from the cross Omega/Neché made in 1992. From the initial cross made in 1992, individual bolls from F₂ segregating plants were harvested from the greenhouse in 1993-94 and planted as hills in the field at Fargo in 1994. Based on visual selection, hills were harvested for rust evaluation in the 1994-95 greenhouse. A single plant from each pot of 25 homozygous plants for rust resistance was harvested for visual selection in the field at Fargo in 1996. Selection continued based on yield and other agronomic performance in replicated experiments at various locations in ND during 1997-1999. Evaluation was expanded to include SD and Canada in 2000-2003 for selection on yield and other agronomic potential. Carter was resistant to all known North America races of flax rust [caused by *Melampsora lini* (Ehrenb.) Desmaz., and had good tolerance to wilt [caused by *Fusarium oxysporum* Schlechtend.: Fr. F. Sp. Lini (Bolley) W.C. Snyder & H.N.Hans.], when evaluated at Fargo, ND and Morden, Manitoba (1.7 as compared with 2.7 for Omega at Morden in 2002). Non native rust races (races not known to exist in nature in North America) were used to determine the genes conditioning resistance for commercial production in North America.

The original cross (Omega/Neché) was made in the greenhouse in 1992. The F₁ plants were grown in the greenhouse in 1993 to verify crossed seed. F₂ plants were grown in the 2nd greenhouse season in 1993-94 and individual bolls were harvested. Seed from harvested bolls were planted as hills in the field at Fargo, ND in the summer of 1994. From the selected hills in 1994, plants were screened for rust segregation in the greenhouse in 1994-95. Seed from rust resistant homozygous F₄ plants were seeded as plant hills in the field at Fargo, ND in 1995. Individual F₅ plants were visually selected. Selected individuals were seeded as single rows for visual selection in 1996. Selected rows were seeded at Fargo, ND with 2 replications in 1997. Selected lines were grown in 4 replication yield tests at Fargo in 1998. Selected lines were grown in 4 replication yield tests at Fargo and Carrington (ND) and as 2 replications in a wilt nursery ('Plot 30') in 1999. Several yellow seeded lines were evaluated at several locations in ND, SD and Canada in a pre-regional test in 2000 (N0010 was the 10th line in the 2000 test). Additional regional testing in the flax growing region of North America was continued in the years 2001-2003.

Carter has been observed for 10 generations of reproduction and during the seed increase period and is stable and uniform for characteristics described in this application. As with Omega, the cultivar Carter has up to 2% brown seeds assumed to be a result of outcrossing and maintained in a heterozygous state in both cultivars.

Exhibit B

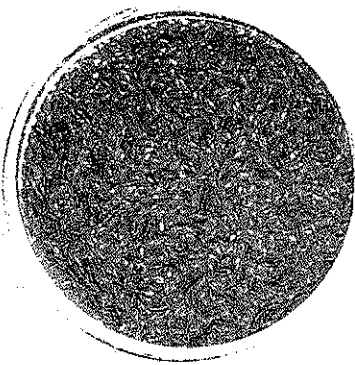
Statement of Distinctness

Carter is most similar to 'Neché'. Carter and Neche are resistant to all known North American races of flax races in nature. Carter cannot be distinguished from Neche based on rust reaction (both are S to races 259 and 191 see below). However, Carter can be distinguished from Neche based on seed coat color. Carter has a yellow seed coat color and Neche has a brown seed coat color (see below). Carter was developed as a replacement cultivar for Omega. The primary objective was a yellow seed coat color cultivar with the yield level of Neche. Carter was similar in seed yield to Neche in the average of 32 station years in 2001-2003 in the flax growing region of North America (Carter 1318.4 vs Neche 1318.9 Kg/ha). Carter has a typical fatty acid profile of the high linolenic acid linseed cultivars.

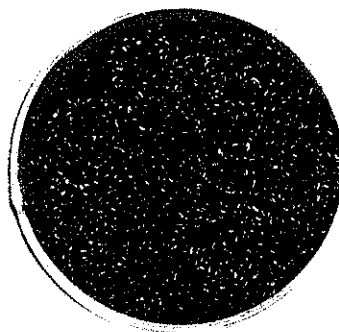
Cultivar	Rust race	Reaction run 1 ^a	Reaction run 2
Carter ^b	259	S	S
Neché	259	S	S
Carter	191	S	S
Neché	191	S	S

^a S = Susceptible, R=resistant to the indicated rust race.

^b Likely rust genes in the host based on reaction to test races Carter and Neche have the L⁶ gene.



Carter



Neché

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705

Exhibit C

OBJECTIVE DESCRIPTION OF VARIETY
Flax
(*Linum usitatissimum* L.)

NAME OF APPLICANT (S) NDSU Research Foundation	TEMPORARY OR EXPERIMENTAL DESIGNATION N0010	VARIETY NAME Carter
ADDRESS (Street and No. or RD No., City, State, Zip Code and Country) C/O Executive Director P.O. Box 5002 1735 NDSU Research Park Drive Fargo, ND 58105		FOR OFFICIAL USE ONLY PVPO NUMBER <div style="font-size: 1.5em; font-weight: bold; text-align: center;">200600161</div>

PLEASE READ ALL INSTRUCTIONS CAREFULLY:

Place numbers in the boxes to designate the expressions which are characteristic of the submitted variety. Include leading zeroes when necessary (e.g., 0 8 9). Data for quantitative plant characters should be based on a minimum of 100 plants in drill seeded row plantings. If necessary, plant colors may be determined using any recognized color chart, e.g., The National Bureau of Standards Color Kit 2107. Designate test location:

Designate whether test plants were spring or fall sown: _____

COMPARISON VARIETIES

1 = Bison 2 = Culbert 3 = Dufferin 4 = Noralta 5 = Raja 6 = Tam F-201 7 = Dunes

1. TYPE:

1 1 = Spring (Bison) 2 = Winter (Tam F-201)

2. SEEDLING:

0 Hypocotyl Anthocyanin: 0 = Absent 1 = Present

3 Winter Growth Habit (for Fall Sown Varieties; Determine in December or January):

3 1 = Prostrate (Dillman) 2 = Semi-prostrate (Tam F-201) 3 = Upright (Culbert)

3. PLANT: (At Capsule Maturity)

Total Height (Uppermost Plant Part to Ground):

1 1 = Short (Raja) 2 = Medium (Culbert) 3 = Tall (Noralta)

5 4 cm

3 cm Shorter Than

Same as

3 cm Taller Than

2

3

3

Comparison Variety

Unbranched Height (Length of Unbranched Main Stem):

3 cm

4. MATURITY:

Season: 1 = Very Early (Raja) 2 = Early (Noralta) 3 = Medium-Late (Bison) 4 = Late (Dufferin)

Determine number of days from seeding date to each maturity stage below. If fall sown, determine days from January 1 instead of from seeding date.

Days to First Bloom (10% Plants in Flower):

Days Earlier Than
 Same as
 Days Later Than

Comparison Variety Dufferin

Days to Last Bloom (90% Plants Have Ceased Flowering)

Days to Capsule Maturity (90% Capsules Brown)

Days to Mid-bloom (50% Plants in Flower):

Days Earlier Than
 Same as
 Days Later Than

Comparison Variety

Days Earlier Than
 Same As
 Days Later Than

Dufferin

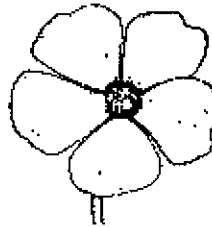
Comparison Variety

5. FLOWER: (Observe Fresh, Fully Open Flowers)

Shape: 2



1 = Funnel



2 = Disk



3 = Star

4 = Other (Specify) _____

Corolla Diameter (Measured Before or During Mid-bloom):

mm

Petal Length and Width (Measured Before or During Mid-bloom):

mm Long mm Wide

Petal Color (Observe Early to Midmorning):

<input type="text" value="1"/>	Veins	} 1 = Blue 2 = White (No Color in HCL)	Vein Chart Color No. _____
<input type="text" value="1"/>	Intervenia		
<input type="text" value="1"/>	Veins – Intervenia Color Comparison:		1 = Veins Darker 2 = No Difference 3 = Veins Lighter
<input type="text" value="0"/>	Sepal Spotting	0 = Absent 1 = Present	

The following characters should be observed between midmorning and early afternoon in full sun.

<input type="text" value="2"/>	Filament Color:	1 = Blue with White 2 = White Only
<input type="text" value="1"/>	Anther Color:	1 = Blue 2 = Yellow
<input type="text" value="2"/>	Style Color:	1 = Blue with White 2 = White Only

5. FLOWER: (continued)

Stigma Color: 1 = Purple 2 = Pink 3 = White

6. POLLEN:

Color:

1 = Blue

2 = Yellow

7. CAPSULE: (At Maturity)

Dehiscence:

1 = Indehiscent
(Dunes)2 = Semidehiscent
(Bison)

False Septa Width:

 . mm

False Septa Ciliation:

0 = Absent

1 = Present

True Septa Width:

 . mm

8. SEED: (At Maturity)

Color:

1 = Brown
(Bison)2 = Yellow
(Foster)3 = Greenish-Yellow
(CI 1798)4 = Greenish-Brown
(CI 479)

5 = Other (Specify) _____

Size:

1 = Small
(Noralta)2 = Medium
(Linott)3 = Large
(Bison)

Length and Width:

 . mm Long . mm Wide

Weight:

 . g/1000 Seeds

Percent of Oil (of Oven-dry, Mature Seed):

 .

%

Indicate Number of Tests:

Indicate Test Method: _____

 .

% Lower Than

Same as

% Higher Than

Comparison Variety

9. SEED OIL:

Iodine Number:

Indicate Number of Tests:

Indicate Test Method: _____

Lower Than

Same as

Higher Than

Comparison Variety

Bison

10. DISEASE AND PEST REACTIONS: (0 = Not Tested, 1 = Susceptible, 2 = Resistant)

Flax Rust (*Melampsora lini*)

Gene(s) _____ resistant to the following race groups:

Argentine _____
Australian _____Elyptian _____
European _____North American Flax wilt (*Fusarium lini*)

Location of Wilt Nursery:

 Fargo, ND _____
 Brookings, SD _____ St. Paul, MN _____
 St. Paul, MN II _____ Morden, Manitoba _____Pasmo (*Mycosphaerella linorum*)

Nematodes (Specify Genera) _____

Anthracnose (*Colletotrichum lini*)

Other Disease (Specify) _____

Browning, Stem Break (*Polyspora lini*)

Other Disease (Specify) _____

Damping Off (*Rhizoctonia solani*)

Insects (Specify) _____

11. STRESS TOLERANCE: (Provide Substantiating Evidence in Exhibit D)

Herbicide Tolerance to (Specify) _____

More than Variety _____

Same As Variety _____

Less Than Variety _____

Cold Tolerance

More than Variety _____

Same As Variety _____

Less Than Variety _____

Seedling Chlorosis Tolerance

More than Variety _____

Same As Variety _____

Less Than Variety _____

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). The information is held confidential until the certificate is issued (7 U.S.C. 2426).

EXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP

1. NAME OF APPLICANT(S) NDSU Research Foundation	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER N0010	3. VARIETY NAME 'Carter'
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country) C/O Executive Director 1735 NDSU Research Park Drive Fargo, ND 58105-5002	5. TELEPHONE (Include area code) (701) 231-8931	6. FAX (Include area code) (701) 231-6661
	7. PVPO NUMBER 200600161	

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. If no, please explain. ☒ YES ☐ NO9. Is the applicant (individual or company) a U.S. national or a U.S. based company? If no, give name of country. ☒ YES ☐ NO10. Is the applicant the original owner? ☐ YES ☒ NO If no, please answer one of the following:

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?

☐ YES ☐ NO If no, give name of country

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?

☒ YES ☐ NO If no, give name of country

11. Additional explanation on ownership (Trace ownership from original breeder to current owner. Use the reverse for extra space if needed):

See additional Exhibit E - Statement of the Basis of the Applicant's Ownership.

PLEASE NOTE:

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 0.1 hour per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

EXHIBIT E – STATEMENT OF THE BASIS OF THE APPLICANT'S OWNERSHIP

Dr. James Hammond, an employee of the North Dakota Agricultural Experiment Station and North Dakota State University, and is a plant breeder who developed 'Carter', the flax variety for which Plant Variety Protection is hereby sought. The employee by agreement and because of the condition of the use of the facilities and funds of the North Dakota Agricultural Experiment Station and North Dakota State University, has assigned all ownership rights to the 'Carter' flax variety to the North Dakota Agricultural Experiment Station and North Dakota State University.

North Dakota State University on behalf of the North Dakota Agricultural Experiment Station has assigned all ownership of the ~~Variety~~ (ET: 5/4/2006) to the NDSU Research Foundation. The NDSU Research Foundation is a nonprofit corporation set up to own and manage the intellectual property of the North Dakota State University.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

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**U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705**

**EXHIBIT F
DECLARATION REGARDING DEPOSIT**

NAME OF OWNER (S) NDSU Research Foundation	ADDRESS (Street and No. or RD No., City, State, and Zip Code and Country) 1735 NDSU Research Park Drive, Fargo, ND 58105-5002	TEMPORARY OR EXPERIMENTAL DESIGNATION ND0010 VARIETY NAME
NAME OF OWNER REPRESENTATIVE (S) Dale Zetocha	ADDRESS (Street and No. or RD No., City, State, and Zip Code and Country) 1735 NDSU Research Park Drive, Fargo, ND 58105-5002 (BT: 2/8/2008)	FOR OFFICIAL USE ONLY PVPO NUMBER #200600161

I do hereby declare that during the life of the certificate a viable sample of propagating material of the subject variety will be deposited, and replenished as needed periodically, in a public repository in the United States in accordance with the regulations established by the Plant Variety Protection Office.

Dale Zetocha
Signature

1/30/08
Date

James Hammond
James Hammond, NDSU Breeder

1/30/08
Date